

***The Navy's Recovery from
Hurricane Ivan: ECR and the
National Historic Preservation
Act***

ECR2008

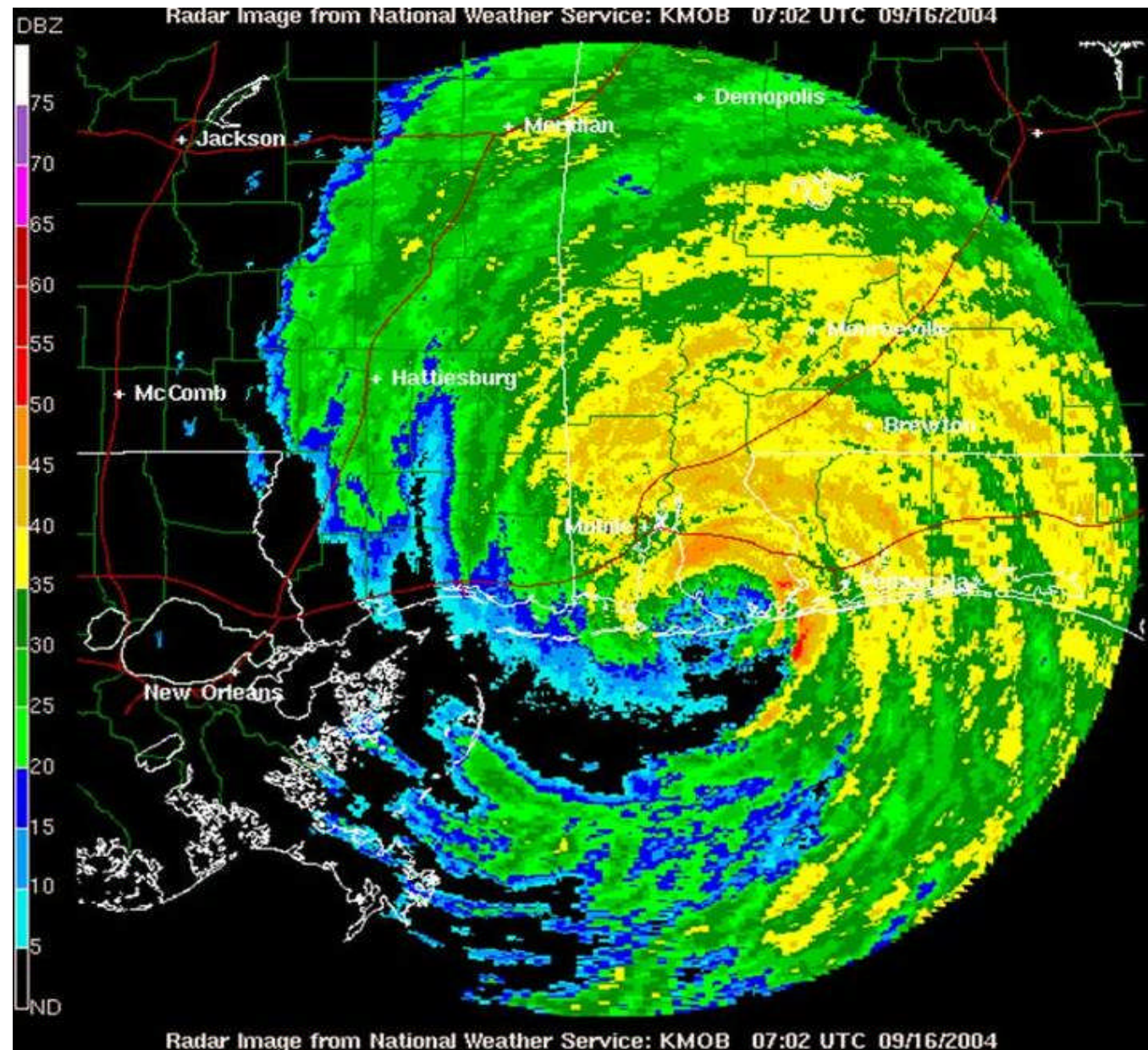
May 22, 2008

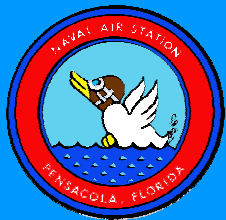
National Historic Preservation Act

**CULTURAL
RESOURCES
PRESERVATION**

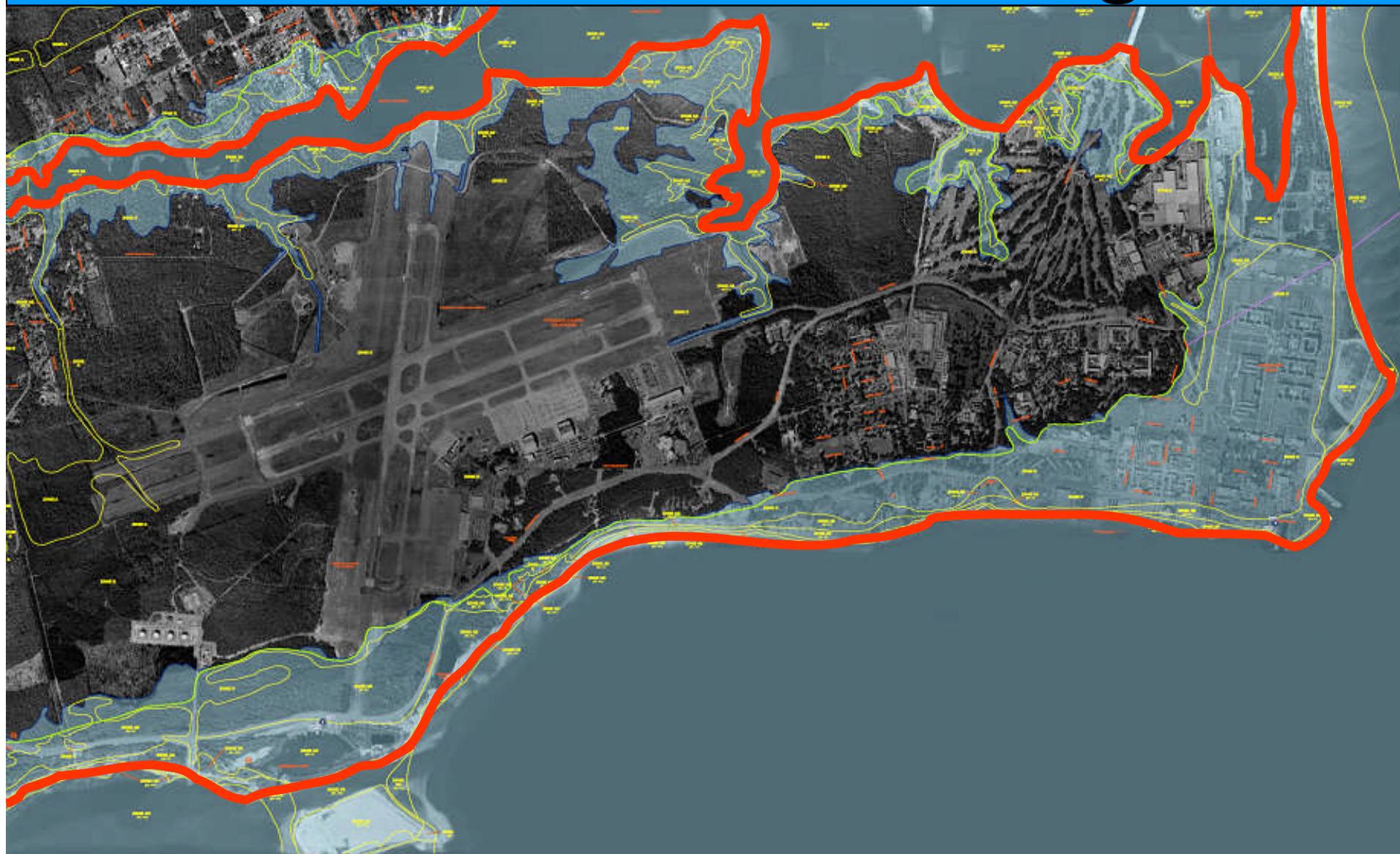


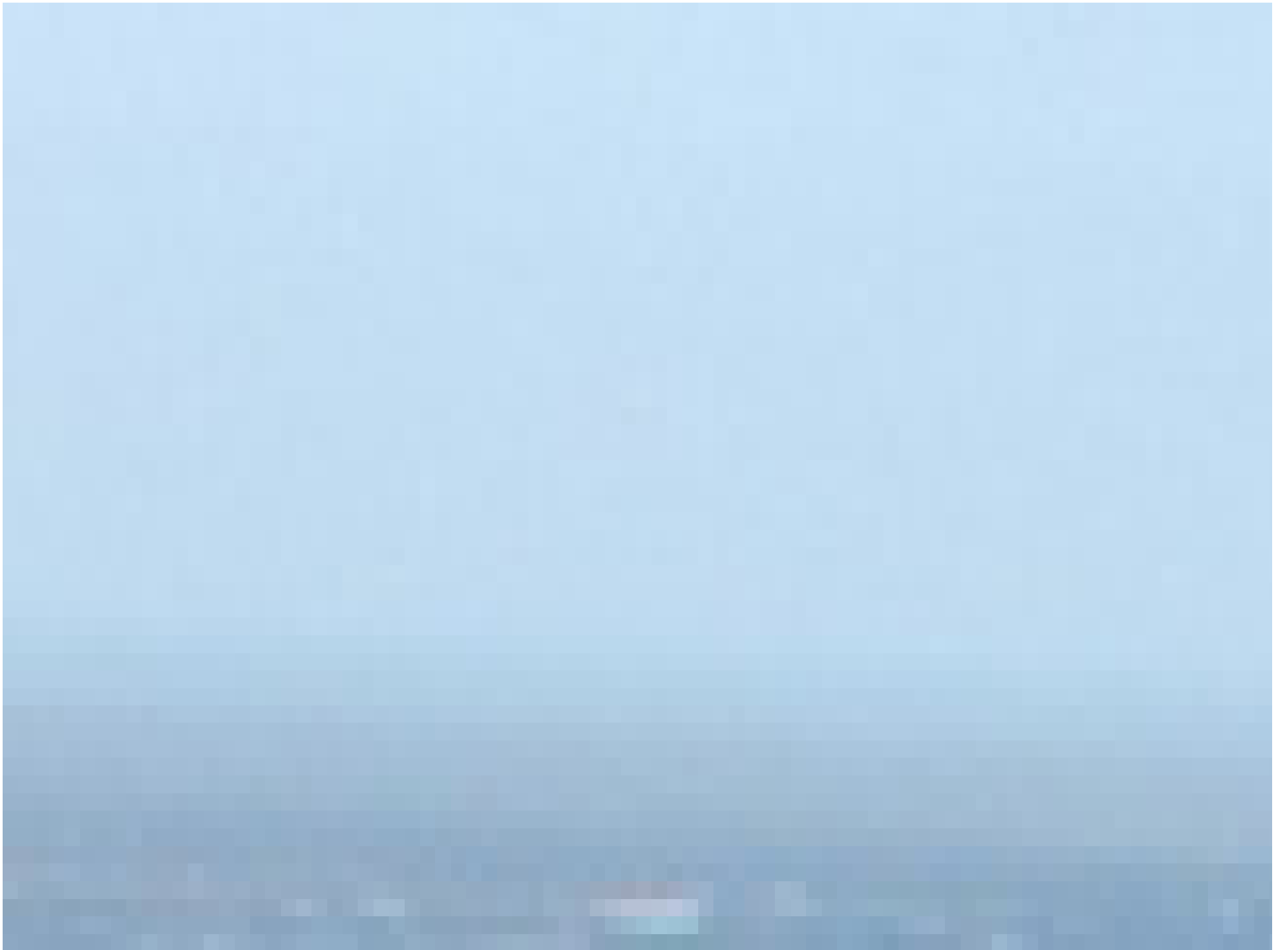
***problem:
Hurricane
Ivan 2004***





Naval Air Station Pensacola Storm-Surge







“The damage at Pensacola is CATASTROPHIC. There is no power, no water, no telephones. Virtually every building has sustained damage. Estimate damage to be in the hundreds of millions of dollars.”





Recapitalization Process

- For each building, Figure of Merit based on
 - Contribution to mission
 - Clustering/alignment of mission & mission support
 - Optimization of existing capacity
 - Potential for low-cost maintenance & utilities
 - Potential for future storm impact reduction



Analytical Approach Figure of Merit (FOM)



**Constructed to validate
Initial plan findings and
Seek additional actions**

Based on Five
Guiding Principles

1	FOM >= 19 Invest	307 bldgs
2	10 < FOM < 19 Further evaluate	535 bldgs
3	FOM <= 10 No investment, Demolish	106 bldgs

Core mission	Points
Project directly contributes to mission	10.0
Project directly contributes to mission support	6.0
Project indirectly contributes to mission or support	4.0
No contribution to mission or support	0.0
Cluster and align mission and mission support	Points
Location results in mission synergy	6.0
Location not a detractor from zone function	3.6
Location undesirable	0.0
Optimize existing capacity	Points
Space fully utilized	7.0
Space 90% utilized	5.6
Space 80% utilized	4.2
Space less than 80% utilized	0.0
Potential for low cost maintenance/utilities	Points
Repairable to new construction standards	4.0
Repairable to more efficient standards	2.0
Unable to upgrade	0.0
Potential for future storm impact reduction	Points
Roof strengthening AND shell hardening possible	4.0
Roof strengthening OR shell hardening possible	2.0
Neither roof strengthening nor shell hardening possible	0.0



1	$FOM \geq 19$ Invest
2	$10 < FOM < 19$ Further evaluate
3	$FOM \leq 10$ No investment, Demolish

[illegible]

Legend

Planning Actions

- Proposed Demolition
- Proposed New Construction
- Repair
- No Repair Needed

Historic Area

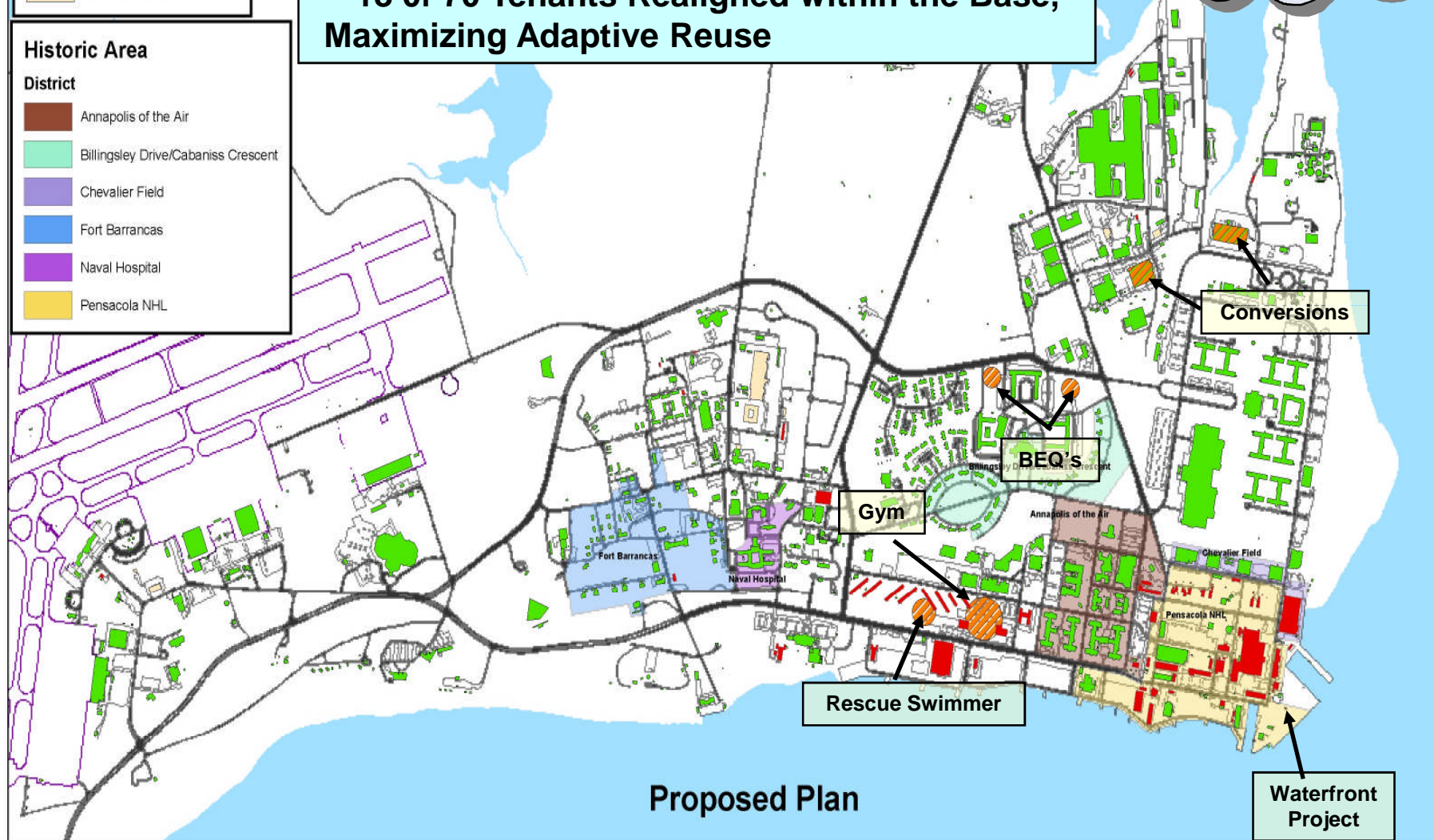
District

- Annapolis of the Air
- Billingsley Drive/Cabaniss Crescent
- Chevalier Field
- Fort Barrancas
- Naval Hospital
- Pensacola NHL

Proposed Plan

- 703 Facilities to be Repaired
- 106 Facilities proposed to be Demolished
- 9 New Construction Projects proposed
- 18 Of 70 Tenants Realigned within the Base, Maximizing Adaptive Reuse

Facilities
to be Utilized at
98% of Capacity





Historic Demo List

	FACILITY NAME	FAC #	FACILITY NAME
1	HRO	1976	NAVY EXC GASOLINE DISP FAC
8	FIRE DEPT STORAGE	1980	BUS STOP SHELTER/100 SF
18	MATSG COMMAND OFFICES	3601	BUS SHELTER
21	FIREHOUSE NO. 1	-----	SEAPLANE RAMP 1
25	ADMINISTRATION OFFICES	-----	SEAPLANE RAMP 2
26	FOUNDRY & FORGE (NOW VACANT)	-----	SEAPLANE RAMP 3
27	NAS PHOTOLAB & USAF WATER SU	-----	SEAPLANE RAMP 4
28	HOUSING EQUIP STORAGE WRHSE	-----	SEAPLANE RAMP 5
45	NAV RCRT ORNT UNIT/NAV LEGAL	-----	SEAPLANE RAMP 6
47	POWER PLANT - INACTIVE	-----	SEAPLANE RAMP 7
51	FIRE EXTINGUISHER REPAIR-STO	-----	SEAPLANE RAMP 8
52	MATSG HEADQUARTERS	38A	USO CLUB
67	PUBLIC RESTROOM	636A	SUBSTATION NO. 39
74	RECYLING BLDG	807A	ADMIN STORAGE
107	RUBBER/PLASTIC PARTS MF/RP	B	QUARTERS CNAT COM Q-4
140	CABLEVISION OFFICES	BC	SERVANTS QUARTERS Q-4C
223	NMCR THRIFT STORE	D	QUARTERS FLAG OFFICERS Q-5
260	DELICATESSEN/PACKAGE STORE	G	QUARTERS CO NAS Q-3
322	OCS UNIFORM STORE	GG	SERVANTS QUARTERS Q-3G
470	EXCH STORE-FILLING STA OFF	H	SENIOR OFFICERS QTRS Q-7
604	MUSEUM AIRCRAFT STORAGE	HC	SERVANTS QUARTERS Q-6C
631	NATTC ACADEMIC INSTRUCTION	I	QTRS CHF OF STAFF CNTQ-2
632	RECREATION BLDG	I-E	SERVANTS QUARTERS Q-2E
636	GENERAL STORAGE-UNOCCUPIED	K	CHIEF NAVAL TRNING SUPP Q-6
710	NCIS ADMIN OFF.	KE	GARAGE Q-7E
738	ADMINISTRATION OFFICES	M	QTRS CNAT CH STAFF Q-8
1754	NASP ENVIRONMENTAL DIVISION		

**Impacts 53 of 106
total proposed
structures on
demolition list**

NHPA Compliance

- NHPA section 106 – Take into account and Consult
- NHPA section 110f – (Procedural or Substantive?)
 - “Prior to the approval of any Federal undertaking which may directly and adversely affect any **National Historic Landmark**, the head of the responsible Federal agency shall, to the **maximum extent possible**, undertake such planning and actions as may be necessary to **minimize harm** to such landmark, and ***shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.***”

NHPA Compliance

- 36 CFR 800.12 – Emergency procedures
 - No consultation on “immediate rescue and salvage . . . to preserve life or property”
 - Abbreviated (7-day) consultation for “essential and immediate response”

NHPA Section 110: Federal Agency Responsibilities

- The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency by:
 - appointing Federal Preservation Officer (FPO)
- locating, conducting inventories and “nominating” historic properties
 - making appropriate records of the historic values of the property prior to substantial alteration or demolition
 - using available historic properties before acquiring new ones

Section 106 Process

- **Federal Undertaking**
 - Direct, Funded, or Licensed
- **Area of Potential Effect (APE)**
- **Historic Property**
 - Listed or Eligible
- **Historic Property Adversely Affected**
- **Resolve Adverse Effect - MOA**

Undertaking Definition

- Undertaking
 - a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency
 - Executed
 - Funded
 - Approved

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Historic Property Definition

- Any prehistoric or historic district, site, building, structure, or object included, **or eligible** for inclusion on the National Register.
 - Includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet National Register criteria. NHPA Section 101(d)(6)(A)(B)

Eligibility Criteria

- A. Association with Historic Event
- B. Biographical Connection
- C. Construction Quality
- D. Data Source

Historic Property Eligibility Criteria



- A. Birth of Naval Aviation**
- B. Wallace Simpson**
- C. Italianate Architecture**
- D. Information about the Lives of the Rich and Famous**

Quarters 7 Admiral's Row

Assess Adverse Effects

- Adverse Effect is found when an undertaking may alter, directly or indirectly, the characteristics of the property that qualify it for inclusion or eligibility on National Register in a manner that:
 - ***would diminish the integrity of the property's location, design, setting, workmanship, feeling or association.*** (36 CFR Sec. 800.5)
- Include the reasonably foreseeable effects occurring later in time, farther removed in distance, or cumulative. (36 C.F.R. Sec. 800.(5)(a)(1))

An adverse effect can be:

- Physical damage or destruction to all or part – **Demolition**
- Neglect that causes its deterioration
- Removal from historic location
- Change in the character, use, or physical features
- Visual, atmospheric or audible impacts
- **Transfer, sale or lease** of the property without adequate and legally enforceable restrictions to ensure long-term preservation (36 C.F.R. 800.5 (a)(2))

Historic properties are adversely affected determination (800.5 (d) (2))

- Continue full consultation among all consulting parties
- Agency must provide an opportunity for public to express views by meaningful notice and comment
- Agency must notify Council and invite participation
- Council may participate where circumstances in 800.6 (a) (1) (i) (A-C) exist:
 - Agency desires participation
 - Undertaking has an adverse effect on a National Historic Landmark
 - A Programmatic Agreement will be prepared

Resolve **finding of adverse effects** with MOA

- Resolve adverse effects by developing a Memorandum of Agreement (MOA) with all consulting parties, and Council where they are participating (800.6 (b))
- **Signing MOA signifies formal conclusion of Section 106 process**
- MOA evidences Agency's compliance with NHPA, and is therefore obligated to follow it's terms
- **TERMINATION:** Failure to reach agreement results in Council rendering Advisory Comment to **Head of Agency** (800.7 (a) (1))

NHPA Section 106: Foreclosure

- Beware of not completing the Section 106 process:
 - Foreclosure-If Agency takes action on undertaking prior to completing the Section 106 process, the Council may find that their opportunity to comment on the undertaking has been foreclosed
 - Foreclosure means that in the Council's view, the Agency has violated section 106 by failing to afford the Council an opportunity to comment
 - Foreclosure finding leaves the Agency vulnerable to litigation (36 C.F.R. 800.9 (b))

NAS Pensacola NHPA Consultation Participants

- **Navy**
- **Florida SHPO**
- **National Park Service (because NHL involved)**
- **National Trust for Historic Preservation (consulting party)**
- **ACHP**
- **Public**
- **No Tribal interest**

NHPA Chronology 2004-2005

- Emergency Meeting – Pensacola, September 2004
- Preliminary Meetings – NPS HQ, Atlanta, Oct-Dec
- Develop MOA – SHPO Office in Tallahassee, FL January-March 2005
- Identify the Most Important Historic Properties

Properties



Building 18

Properties



Building 45

Properties



Building 47

Properties



Q3

NHPA Chronology March – August 2005

- Sign MOA – March 2005
- Draft Preservation Analysis Reports, March-July
- Navy Review and Initial Decision - July
- Objections by NTHP and SHPO
- Dispute forwarded to ACHP
- ACHP Panel Public Meeting – August 8
- ACHP Comments to SECNAV – August 22

NHPA Chronology September 2005

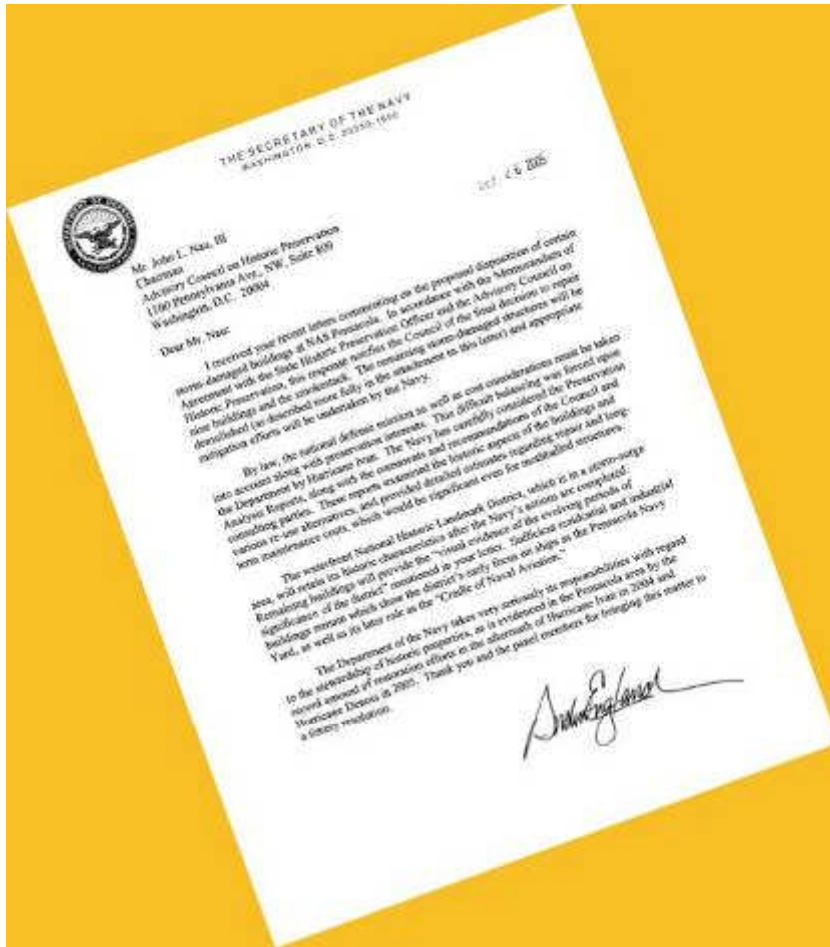
- Multiple briefings within Navy and DoD
 - Deputy Assistant Secretary (E)
 - Assistant Secretary (I&E)
 - Deputy Under Secretary to the Department of Defense (I&E)
- SECNAV Decision and Response to ACHP

September 26, 2005: Secretary of the Navy's final decision letter

- Repair 9 of the 16 structures
- Historic Interpretive Program
- Post Ivan ICRMP
- Disagreed on only three buildings (Building 1, and Quarters 2 and 3)
- HABS on the 16 structures

Rationale for decision:

- Stewardship
- Flood plain
- Future storms
- NAV2030
- Safety
- Mission
- Prudent



Sec. England's decision letter of 9/26/05
addressed to the ACHP

Section 106: Consultation Process Alternatives

- Alternative Procedures Sec. 800.14
 - Agency, Advisory Council and SHPO/THPO and as appropriate others, can negotiate alternative procedures instead of strict Section 106 process
 - **Programmatic Agreement** (PA) provides Section 106 coverage for an entire series of Properties or Undertakings
 - Navy: Nationwide World War II Buildings
 - **Program Comment** – Agreement with ACHP

NHPA Internal Agency Policy and Guidance

- Navy: OPNAVINST 5090.1C,
 - Chapter 27 Cultural Resources Management; Chapter 5 Procedures for implementing the National Environmental Policy Act
 - SECNAVINST 4000.35A,- DoN Cultural Res. Program
 - SECNAVINT 11010.14A, DoN policy for Consultation with Federally Recognized Indian Tribes
 - Marines: MCO P5090.2B Chapter 8 Historic and Archeological Resources Protection
- SECNAVINST 5800.13A, ADR Policy and Mission of the DON ADR Program Office

Lesson Summary:

- Follow NHPA consultation requirements under Section 106
- Special Care with Native American interests
- Consider stewardship in all planning activities
- Consider ECR for Consultation, Joint Fact-Finding and MOAs

